

For the reasons set forth in the prior order denying the Rule 60(b) motion, the court finds that petitioner has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c); Rule 22(b) of the Federal Rules of Appellate Procedure. The court further finds that reasonable jurists would not find this court's determination debatable

or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, a certificate of appealability **SHALL NOT ISSUE** and petitioner's application for a certificate of appealability is **DENIED**.

**E N T E R :**

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE